

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

---

CARLA GRIFFITH, :  
Plaintiff, :  
vs. : MEMORANDUM DECISION AND **ORDER**  
Commissioner of Social Security, : REMANDING CASE  
MICHAEL J. ASTRUE, : Civil No. 1:08 CV 56 DN  
Defendant. : Magistrate Judge David Nuffer  
:

---

AND NOW, this 4th day of November, 2008, upon consideration of Defendant's Unopposed Motion to Remand, and good cause appearing therefor, the Court hereby REVERSES the Commissioner's decision in this matter under sentence four of 42 U.S.C. § 405(g),<sup>1</sup> and REMANDS the cause to the Commissioner for further administrative proceedings, as follows:

Plaintiff's September 19, 2005 application for disability insurance benefits was denied in a decision of an administrative law judge (ALJ) dated October 17, 2007. The ALJ found Plaintiff was not disabled at any time from September 19, 2005, through the date of the decision. On November 9, 2007, Plaintiff filed a new application for disability insurance benefits. Based on that application, a different ALJ issued a decision finding Plaintiff was disabled, beginning October 18, 2007, one day after the date of the previous ALJ's decision denying her prior

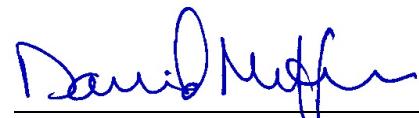
---

<sup>1</sup> The Clerk of the Court will enter a separate judgment pursuant to the Federal Rules of Civil Procedure, Rule 58.

application for benefits. The Commissioner will review both administrative records and will reconcile Plaintiff's September 19, 2005 and November 9, 2007 applications for benefits.

DATED this 3<sup>rd</sup> day of November, 2008.

BY THE COURT:



---

David Nuffer  
United States Magistrate Judge